

### § 222.33

of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(1) If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed;

(2) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(c) *Exceptions.* The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception is applicable:

(1) Paragraphs (a) and (b) of this section do not apply if a right whale approach is authorized by NMFS through a permit issued under subpart C (Endangered Fish or Wildlife Permits) of this part or through a similar authorization.

(2) Paragraphs (a) and (b) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(3) Paragraphs (a) and (b) of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from NMFS or a NMFS designee prior to the approach.

(4) Paragraphs (a) and (b) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities or is being operated for that purpose.

(5) Paragraph (b) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver, and because of the restriction, cannot comply with paragraph (b) of this section.

[62 FR 6738, Feb. 13, 1997]

### § 222.33 Special prohibitions relating to endangered Steller sea lion protection.

*General.* The regulatory provisions set forth in part 227, which govern threatened Steller sea lions, shall also apply to the western population of Steller sea lions, which consists of all

### 50 CFR Ch. II (10–1–97 Edition)

Steller sea lions from breeding colonies located west of 144 °W. long.

[62 FR 24355, May 5, 1997]

### Subpart E—Incidental Capture of Endangered Sea Turtles

#### § 222.41 Policy regarding incidental capture of sea turtles.

Shrimp fishermen in the southeastern United States and the Gulf of Mexico who comply with rules for threatened sea turtles specified in § 227.72(e) of this subchapter will not be subject to civil penalties under the Act for incidental captures of endangered sea turtles by shrimp trawl gear.

[52 FR 24251, June 29, 1987]

#### § 222.42 Special prohibitions relating to leatherback sea turtles.

Special prohibitions relating to leatherback sea turtles are provided at § 227.72(e)(2)(iv) of this chapter.

[60 FR 25623, May 12, 1995]

### PART 225—FEDERAL/STATE CO-OPERATION IN THE CONSERVATION OF ENDANGERED AND THREATENED SPECIES

Sec.

- 225.1 Purpose of regulations.
- 225.2 Scope of regulations.
- 225.3 Definitions.
- 225.4 Cooperation with the States.
- 225.5 Cooperative agreement.
- 225.6 Allocation of funds.
- 225.7 Financial assistance.
- 225.8 Availability of funds.
- 225.9 Payments.
- 225.10 Assurances.
- 225.11 Submission of documents.
- 225.12 Project evaluation.
- 225.13 Contracts.
- 225.14 Inspection.

AUTHORITY: Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–1543, Pub. L. 93–205.

SOURCE: 41 FR 24354, June 16, 1976, unless otherwise noted.

#### § 225.1 Purpose of regulations.

The regulations in this part implement section 6 of the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 through 1543, Pub. L. 93–205 which provides, under certain circumstances,